

**STATEMENT OF
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BEFORE THE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

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Chairman Jeffords and Members of the Committee, thank you for the opportunity to discuss the measures taken by the Environmental Protection Agency to respond to terrorist incidents and what steps the Agency is taking to better prepare for, and respond to, future incidents based upon the lessons learned after the tragic events that occurred on September 11, 2001.

I want to thank the Members of the Committee for all of the support given EPA, both Headquarters and the 10 EPA Regions, as the Agency has carried out its mission to protect human health and the environment both in response to the attacks on the World Trade Center, the Pentagon, and the cleanup of anthrax contamination in the Capitol Complex and other facilities around the country.

EPA accomplished a remarkable achievement in responding to three national incidents during the same time period; the attacks on the World Trade Center and Pentagon, and anthrax contaminated buildings. Drawing upon the many years of EPA experience in responding to the release of hazardous substances, and the technical and scientific expertise found within the Agency, the outstanding men and woman of EPA performed unprecedented tasks. One of these tasks, cleaning up anthrax contamination from the Capitol Hill Complex, defied the customary thinking that the cleanup of an anthrax contaminated building was impossible.

The President, EPA and other Federal agencies have made it clear that there is no higher priority than protecting our Nation's homeland security. After EPA's response to the terrorist attacks of 9/11 and anthrax contamination shortly thereafter, I asked for the development of two reports: *Lessons Learned in the Aftermath of September 11, 2001* and *Challenges Faced During the Environmental Protection Agency's Response to Anthrax and Recommendations for Enhancing Response Capabilities: A Lessons Learned Report*. EPA turned to objective outside sources to conduct extensive interviews with Agency personnel involved with EPA's response - - from front line On Scene Coordinators - - to the upper reaches of Agency management to form the basis of the reports. I strongly believed it was important for EPA to examine what the Agency learned from its response activities after 9/11 and from the anthrax contamination detected throughout the United States, and to apply these lessons learned to future Agency responses. Today, my testimony will discuss EPA's role in homeland security, how the Agency responded to the attacks of last year, the lessons learned, and how EPA plans to address homeland security issues.

EPA'S RESPONSE ROLE

EPA has led the National Response System (NRS) for over 30 years. The NRS is the system by which our local, state and Federal responders address hazardous material and oil spill emergencies. These contaminants can include chemical, biological, and radiological materials that also could be components of Weapons of Mass Destruction (WMD). The Agency's basis for its emergency response program is outlined under the National Oil and Hazardous Substances Pollution Contingency Plan. The NRS was originally authorized under the Clean Water Act and supplemented by the authorities of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund), and is codified by the National Contingency Plan (NCP). The National Response Team (NRT), established by the NCP, consists of 16 Federal agencies with responsibilities, interests, and expertise in various aspects of emergency response to pollution incidents. The EPA serves as chair and the Coast Guard serves as vice chair of the NRT.

The NRT has an excellent track record for Federal, state coordination and was asked by the Office of Homeland Security (OHS) in April 2002 to be an OHS workgroup providing interagency policy coordination assistance on terrorist incident preparedness and response.

For example, at the request of OHS, NRT is developing a Technical Reference Document for Determining Adequacy of Cleanup Following Incidents Involving Weapons of Mass Destruction. This interagency effort will identify existing standards and guidelines, processes and key Federal resources that will be used to determine when it acceptable to reoccupy areas that have been decontaminated following incidents involving chemical, biological, radiological, nuclear, and explosive agents .

The NRT's priorities in 2002 also include implementing its recommendation to the Justice Department from the Top Officials 2000 exercise that all responses to Weapons of Mass Destruction incidents utilize the Incident Command/Unified Command (IC/UC) structure such as the National Interagency Incident Management System (NIIMS). This will help ensure improved response management coordination at WMD incident sites. In 2002 the NRT published an ICS/UC technical assistance document and developed training policy encouraging ICS/UC use for Federal training grants.

The NRT also completed Anthrax and World Trade Center / Pentagon Lessons Learned Documents for use by member agencies and developed Anthrax clean-up technical assistance documents for use by planners and responders at all levels of government. Further, the NRT participated in the Coast Guard Gulf of Mexico Spills of National Significance Exercise in April 2002 which tested the national level command for a multi-jurisdictional incidents. NRT projects for the coming year will be drawn from its Lessons Learned reports from the 2001 WMD incidents.

EPA has important roles in U.S. counterterrorism activities. EPA assists the FBI during crisis management in threat assessments and determining the types of hazards associated with releases or potential releases of materials in a terrorist incident. EPA, as the lead agency for Hazardous Materials

Response under Emergency Support Function (ESF) #10 of the Federal Response Plan, also assists the Federal Emergency Management Agency, during consequence management with environmental monitoring, decontamination, and long-term site cleanup. EPA is the lead agency with regard to protecting the Water Supply Sector of the Nation's infrastructure. In the Nunn-Lugar-Domenici legislation, EPA was identified as one of the six key Federal agencies for assisting in the WMD training program for the nation's first responders.

EPA maintains counter-terrorism experts in Headquarters and each of EPA's regions. In addition, EPA has more than 200 On Scene Coordinators (OSCs) at 17 locations throughout the country, who are ready to quickly respond to release notifications. OSCs are the Federal officials responsible for monitoring or directing responses to all oil spills and hazardous substance releases reported to the Federal government. OSCs coordinate all Federal efforts with, and provide support and information to, local, state, tribal, and regional response communities. EPA has two specialized Environmental Response Teams and a Radiological Emergency Response Team available at all times. Working through the National Response System, these teams and experts are available and trained to respond to incidents involving hazardous substances. EPA can also provide direction, coordination, support on hazardous release situations as needed.

EPA RESPONSE AT WORLD TRADE CENTER

As soon as the first plane hit the North Tower, EPA activated its emergency response personnel from its Regional office in lower Manhattan. Before anyone knew the tragic consequences of the attack, EPA's responders were headed to the site to monitor the cloud of smoke and dust.

EPA immediately dispatched monitoring teams to test the ambient air quality around the World Trade Center site (WTC) and as far away as Jersey City, New Jersey. On the first day, tests were taken for asbestos, lead and a class of chemicals associated with fires and fuel called volatile organic compounds (VOCs). In most instances on the first day, EPA did not detect the presence of these pollutants. In some instances, we found them in very low levels - - well below a level that would be considered a health threat.

EPA performed environmental sampling of debris, as well as air monitoring and air sampling in the work zone and support areas. This data was used to ensure that health and safety plans were implemented to minimize the exposure to hazardous chemicals of the responders doing the firefighting, search and rescue efforts and criminal investigations.

Over the next few days, EPA also sampled dust and air in Lower Manhattan, Brooklyn, New Jersey and at the Fresh Kills Landfill in Staten Island. As to be expected, there were some standards exceeded for certain chemicals within the fires, but this rarely occurred outside of the World Trade Center site.

EPA sampled drinking water from the distribution system and analyzed samples from water towers on top of buildings. The Agency also sampled water from the Hudson and East Rivers and

wastewater from a sewage treatment plant in Brooklyn after several rainfalls to check for pollutants running off the World Trade Center site. EPA did not find any levels that posed either human health or ecological risks. Over the course of ten months, the Agency took 24,500 samples of air, dust, drinking water and river water. Because many were analyzed for more than one pollutant, these samples yielded more than 212,500 results.

The Agency vacuumed dust from the streets, parks and other public spaces. EPA took the lead in establishing and running worker and truck wash stations in both Lower Manhattan and on Staten Island to prevent dust from migrating from the recovery site. In November, EPA erected what is thought to be the largest worker wash tent in the world - a 31,000 square-foot heated structure at which workers could vacuum, wash off, shower, and get a hot meal.

EPA has responded to the ongoing concerns of lower Manhattan residents with the announcement of a residential indoor dust cleanup program. This program was developed with assistance from New York City, the Federal Emergency Management Agency, and other members of the Indoor Air Task Force. Since the announcement of the program, EPA has met with resident and tenant organizations, environmental and community groups, community boards and many city, state, and Federal elected officials to refine the program. On June 3, EPA activated a hotline and online form for residents to sign up for cleaning and testing or to get their homes tested for asbestos. EPA began testing homes in August and began cleaning in September.

PENTAGON RESPONSE

The initial emergency response to the terrorist attack on the Pentagon, was led by an Incident Command established by the City of Arlington Fire Department. Concurrently, the FBI assumed the role of the lead Federal agency on-scene and initiated a criminal investigation. EPA provided support to DOD, the FBI, and to the Search and Rescue teams brought in by FEMA to support the City of Arlington during their response efforts.

EPA provided investigators from its Criminal Investigation Division (CID) to supplement FBI resources in performing the difficult task of manually examining debris from the crash scene. In addition, EPA's emergency response personnel performed environmental sampling of debris, as well as air monitoring and air sampling in the work zone and support areas. Collectively this data was used to ensure that health and safety plans were implemented to minimize the exposure to hazardous chemicals of the responders doing the firefighting, search and rescue efforts and criminal investigations.

EPA also used its hazardous site cleanup expertise, as well as results from monitoring data, to make recommendations to responders on the types of protective clothing and equipment they should utilize to protect the health and safety of their workers. EPA also worked closely with the Commonwealth of Virginia while the fire still burned, to monitor ambient air beyond the Pentagon to ensure there were no significant levels of contaminants in the smoke plume. EPA accomplished its

work at the Pentagon under its own statutory authorities.

EPA RESPONSE TO ANTHRAX CONTAMINATION

In the Fall of 2001, when anthrax contaminated letters started to appear, no one had ever attempted to cleanup anthrax contamination transmitted through the mail. After an anthrax contaminated letter was opened in the Hart Senate Office Building, and anthrax spores were detected, several areas of the building were immediately evacuated and closed. Two days later, the entire Hart Building and several other buildings in the Capitol Complex were closed because of health and safety concerns.

EPA emergency responders and Special Agents took thousands of samples to identify the extent of anthrax, contamination and to design and carry out site-specific clean-up strategies. Positive results indicating the presence of anthrax spores were found at the Ford and Longworth House Office Buildings, the Hart and Dirksen Senate Office Buildings, and the P Street Mail Warehouse on Capitol Hill.

The cleanup of the Hart Building posed the largest and most extensive anthrax clean-up challenge ever undertaken in an office building. Following the initial anthrax discovery, further contamination was detected on several floors of the building, as well as in filters within a heating, ventilation, air conditioning, and cooling system. Fumigation with chlorine dioxide gas was conducted in the building on December 1 and on December 30, 2001. Further fumigation was performed in the air handling system that serves that area. Several other suites and common areas in the Hart Building and in other buildings in the Capitol Complex were cleaned using chlorine dioxide liquid, Sandia foam, and high efficiency particulate air filter vacuuming. Post clean-up sampling showed no remaining viable anthrax, and on January 22, 2002, the Hart Building was cleared for reoccupancy.

U.S. Postal Service Facilities

EPA has provided USPS with technical expertise and advice in the cleanup of contaminated USPS facilities. EPA was requested by USPS to provide full-time OSC presence at the USPS command center, which was established at USPS headquarters at L'Enfant Plaza in Washington, DC, for consolidation of information and coordination. Nineteen postal facilities in EPA Regions 1, 2, 3, 4, 5, and 7 have needed cleanup.

EPA's HOMELAND SECURITY CHALLENGE

Since the terrorist attacks of September 11, 2001, the Federal government has taken action to prepare and protect the public against terrorist threats. As a result, preparedness, response, and other security activities have increased dramatically. The President created the Office of Homeland Security

and has proposed the creation of a new Department of Homeland Security.

As the Federal Agency responsible for water and wastewater infrastructure security, the cleanup of chemical, biological, and certain radiological attacks, and the primary regulator of chemical facilities, EPA is working to define its role in homeland security. EPA is also examining its role within Federal response and making decisions where the Agency should allocate existing and new resources, authority, and personnel to ensure the safety of human health and the environment. Since November of 2001, EPA has been re-examining its mission in homeland security. The Agency conducted two major lessons learned reports, one relating to the incidents of 9/11 and the other related to EPA's anthrax response.

LESSONS LEARNED AND EPA ACTIONS

EPA's approach to dealing with the threat posed by terrorist attacks will focus on several principal objectives: greater preparedness, improved response, and effective counter-terrorism capabilities. The Lessons Learned Reports have generally concluded that EPA responded successfully; however, we can always do better. The following lessons learned represent some of the preparedness and response issues that EPA is taking steps to address.

Agency Decision Making

The current Federal emergency response management structure provides a sound framework from which to build on. To ensure a coordinated Federal and EPA response, Federal response leaders need to be fully trained in the functioning of the Incident Command System and Unified Command structure. EPA leadership needs sufficient information to provide the necessary support for emergency responders as they exercise their roles and responsibilities.

EPA is addressing agency decision making by:

- C Working with the Office of Homeland Security and the National Response Team to ensure that EPA and all Federal agencies follow the Incident Command/Unified Command structure when responding to incidents involving Weapons of Mass Destruction (WMD).
- C Conducting and participating in cross-Agency training and exercises; such as the U.S. Coast Guard Spills of National Significance exercises in April of 2002.

Emergency Response Structure and Plans

Federal, state, and local coordination are essential during an emergency response. While a significant amount of inter-agency communication and coordination took place during the World Trade Center response, existing response plans and Presidential Decision Directives were not always

followed.

EPA is addressing emergency response structure issues by:

- C** Strengthening the National Incident Coordination Team (NICT) and having it develop an action plan to implement the recommendations of the Lessons Learned Report.

Data Analysis and Information Management

EPA's and other Federal, state, and local agency response efforts at the World Trade Center generated an enormous amount of monitoring data that needed to be analyzed and reconciled among a large number of agencies. Further, the number of samples collected to provide health and environmental data nearly overwhelmed existing laboratory capacity.

EPA is addressing data analysis and information management needs by:

- C** Developing a list of nationally recognized experts who can be called upon to give expert advice and technical assistance shortly after an incident.
- C** Establishing a working partnership with the Centers for Disease Control and Prevention (CDC), the Agency for Toxic Substances and Disease Registry (ATSDR) and other health related agencies to share analytical resources.
- C** Analyzing and incorporating the information from the July, 2002, report prepared by the Office of Science and Technology Policy: *Preliminary Survey of Air Quality and Related Health Studies Conducted in the Vicinity of Ground Zero*.
- C** Reaching agreements between EPA Regions and states to share analytical resources.
- C** Developing the capability to conduct anthrax analysis in its Cincinnati, Ohio laboratory.

Public Information Dissemination

EPA's expectations during an emergency response include the public dissemination of timely and reliable information. EPA experienced difficulties in meeting this expectation, particularly given the numerous agencies and organizations involved in the response at the World Trade Center.

EPA is addressing information dissemination by:

- C** Starting a World Trade Center Interagency Monitoring Database that tracked environmental monitoring results from 13 different agencies and organizations.

- C EPA has also developed a World Trade Center site EviroMapper to allow public users to view all EPA monitoring data sorted by geographic area. Further, EPA has completed its WTC Indoor Air Residential Services Database which tracks results of indoor air testing and monitoring

Agency Resources

EPA was successful in its response activities at the World Trade Center, Pentagon, and anthrax contaminated buildings through creative use and sharing of existing Agency resources. However, in some instances, traditional Agency work in the regions had to be suspended, personnel resources were depleted and emergency supplies were almost exhausted.

EPA is addressing resource needs by:

- C Hiring response staff to provide expanded response capability.
- C Providing advanced counter-terrorism training to Agency On Scene Coordinators (OSCs).
- C Increasing the number of personnel and specialized equipment available for chemical, biological, and radiological response.
- C Establishing the Environmental Response Team (ERT) West located in Las Vegas, Nevada, to provide on-scene assistance for environmental emergencies and disasters.

Environmental Vulnerability

The terrorist attacks of 9/11 and subsequent anthrax incidents served as the catalyst for EPA to address the vulnerability of critical facilities such as drinking water and waste water systems, chemical, petroleum, and pesticide facilities and building interiors.

EPA has already obligated more than \$40 million to address the challenges of improving facility vulnerability. Specifically, EPA's response actions include:

- C Training more than 6,000 operators and managers of water utilities in vulnerability assessment methods and other security measures.
- C Providing more than \$40 million in grants to large drinking water utilities to conduct assessments, revise emergency response plans, and improve other security measures.
- C Working with stakeholders to improve communications capabilities with water utilities, including the creation of secure communications.
- C Working with the U.S. Department of Justice (DOJ), U.S. Department of Energy (DOE), and

the chemical industry to develop security guidelines that encompass facility security screening and vulnerability assessments to improve site security.

- C Sending Security Advisories to chemical, oil, and pesticide industry trade associations and Emergency Planning Committees.
- C Assigning EPA Criminal Investigation Division (CID) Special Agents to provide support to the FBI, DOJ, the U.S. Secret Service, and the Office of Homeland Security, for work related to terrorism involving chemical, biological, and nuclear weapons of mass destruction.
- C Deploying EPA CID Special Agents across the country providing environmental criminal investigative support and training related to environmental threats to the law enforcement community.

EPA Safety and Security

EPA experienced operational difficulties in the aftermath of the 9/11 attacks, including the identification of facility security threats and the evacuation of facilities. Some regional offices and Headquarters found that their Continuity and Operations Plan (COOP) needed to be updated or revised.

- EPA is addressing EPA safety and security concerns by:
- C Completing vulnerability assessments at critical EPA facilities and provided funding to address those vulnerabilities.
 - C Developing a computer based security training program that will provide employees information on security measures at EPA facilities and procedures for responding to emergency situations.
 - C Working with the Office of Personnel Management and the Federal Emergency Management Agency to provide greater reliability and security to Agency communications networks.
 - C Revising regional and Headquarters COOP and evacuation plans.

CONCLUSION

The President, EPA and other Federal agencies have made it clear that there is no higher priority than protecting our Nation's homeland security. Within that mission, EPA is working diligently to ensure the protection of public health and the environment. The Agency is committed to taking the lessons learned after the terrorist attacks of September 11, 2001, and subsequent anthrax attacks, and implementing those lessons learned to improve EPA's performance in preparedness, response and recovery. I look forward to working with this committee, and all members of Congress, with Governor Ridge's Office of Homeland Security, and hopefully soon with a new Homeland Security Department, to protect and preserve the health and well being of every American citizen.

